

03-29-04



Express Mail No. EV322529858US
Attorney Docket No. HAU234 CIP2
Client/Matter No. 81250.0091.003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerald T. Gourdin et al.

Serial No. 10/764,231

Filed: January 23, 2004

For: COMPOSITIONS ENRICHED IN
PHENOLIC COMPOUNDS AND METHODS
FOR PRODUCING THE SAME

Group Art Unit: To be accorded

Examiner: To be accorded

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


Applicant hereby submits for filing under 37 C.F.R. § 1.97(c) a disclosure statement.

In submitting these references, no representation is made or implied that the references are or are not material to the examination of this application. The patents, publications or other information of which Applicant is presently aware are listed in Form PTO/SB/08A submitted herewith and copies of non-patent literature and foreign patent documents are attached hereto.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

March 24, 2004
Dated


Sarah J. Smith, Reg. No. 41,226
HOGAN & HARTSON LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(720) 406-5385 Tel
(720) 406-5301 Fax



Express Mail No. EV322529858US
Attorney Docket No. HAU234 CIP2
Client/Matter No. 81250.0091.003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerald T. Gourdin et al.

Serial No. 10/764,231

Filed: January 23, 2004

For: COMPOSITIONS ENRICHED IN
PHENOLIC COMPOUNDS AND
METHODS FOR PRODUCING THE
SAME

Group Art Unit: To be accorded

Examiner: To be accorded

CERTIFICATE OF MAILING BY EXPRESS MAIL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the attached:

1. Information Disclosure Statement with copies of 19 foreign and non-patent references;
2. Form PTO/SB/08A;
3. Certificate of Mailing; and
4. Return card

relating to the above application, were deposited as "Express Mail" Mailing Label No. EV322529858US, with the United States Postal Service, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 24, 2004
Date

Sarah J. Smith
Mailer

March 24, 2004
Date

Sarah J. Smith
Sarah J. Smith, Reg. No. 41,226
HOGAN & HARTSON LLP
One Tabor Center
1200 17th Street, Suite, 1500
Denver, Colorado 80202
(720) 406-5385 Tel
(720) 406-5301 Fax

PTO/SB/08A (10/01)
(Substitute for form 1449A/PTO)

ATTY. DOCKET NO. HAU234 CIP2
Client/Matter No. 81250.0091.003

APPLICATION NO.
10/764,231

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

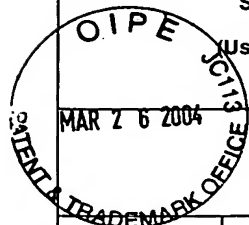
Use several sheets if necessary)

Sheet 1 of 4

FIRST NAMED INVENTOR
Gerald T. Gourdin

FILING DATE
January 23, 2004

ART UNIT To be accorded



U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No. No. - Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Doc	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	5,912,363	06/15/1999	Nafisi-Movaghar et al.	
	2	2001/0002407 A1	05/31/2001	Nair et al.	
	3	6,303,125 B1	10/16/2001	Ofek et al.	
	4	5,211,944	05/18/1993	Tempesta	
	5	6,194,469 B1	92/27/2001	Nair et al.	
	6	6,210,681 B1	04/03/2001	Walker et al.	
	7	5,646,178	07/08/1997	Walker et al.	
	8	2001/0021398 A1	09/13/2001	Walker et al.	
	9	5,525,341	06/11/1996	Walker et al.	
	10	5,804,597	09/08/1998	Yamakoshi, et al.	
	11	5,968,517	10/19/1999	Duncan, et al.	
	12	5,494,661	02/27/1996	Tempesta	
	13	4,863,956	09/05/1989	Gabetta, et al.	
	14	4,452,822	06/05/1984	Shrikhande	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Doc cntry code - No. - Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Doc	Pages, Columns. Lines Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
						YES	NO

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher, city and/or country where published

EXAMINER SIGNATURE

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO/SB/08A (10/01) (Substitute for form 1449A/PTO)		ATTY. DOCKET NO. HAU234 CIP2 Client/Matter No. 81250.0091.003		APPLICATION NO. 10/764,231	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) Sheet 2 of 4		FIRST NAMED INVENTOR Gerald T. Gourdin			
		FILING DATE January 23, 2004		ART UNIT To be accorded	

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document No. – Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Doc	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	15	4,500,556	02/19/1985	Langston	
	16	5,200,186	04/06/1993	Gabetta, et al.	
	17	5,780,060	07/14/1998	Levy et al.	
	18	6,099,854	08/08/2002	Howard et al.	
	19	6,103,756	08/15/2000	Gorsek	
	20	6,423,365 B1	07-23-2002	Nair	
	21	6,544,581 B1	04-08-2003	Shrikhande et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Doc cntry code – No. – Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Doc	Pages, Columns. Lines Where Relevant Passages or Relevant Figures Appear	TRANSLATION
						YES NO
	22	DE 3,027,933	02/26/1981			X

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS		
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher, city and/or country where published
	23	LISA RAPPORT, BRIAN LOCKWOOD, "(6) Proanthocyanidins and Grape Seed Extract," The Pharmaceutical Journal, Vol 266, (4/28/2001) pp.581-584.
	24	L. GAO and G. MAZZA, "Characterization, Quantitation, and Distribution of Anthocyanins and Colorless Phenolics in Sweet Cherries, Journal of Agricultural and Food Chemistry 48 (2) pp. 343-346
	25	M. AZAR, E. VERETTE, and S. BRUN, "Identification of Some Phenolic Compounds in Bilberry Juice Vaccinium myrtillus, " Journal of Food Science, Vol. 52, No. 5 (1987) pp. 1255-1257.
	26	D.L. MADHAVI, S. JUTHANGKON, K. LEWEN, M.D., BERBER-JIMENEZ, M.A.L. SMITH, "Characterization of Anthocyanins from <i>Ajuga pyramidalis</i> Metallica Crispa Cell Cultures," J. Agric. Food Chem, Vol 44. No. 4, (1996) pp.1170-1176.
	27	ELLIOTT MIDDLETON, JR., "Effect of Plant Flavonoids on Immune and Inflammatory Cell Function," Flavonoids in the Living Systems (1998) pp.175-182.

EXAMINER SIGNATURE	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

PTO/SB/08A (10/01) (Substitute for form 1449A/PTO) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) Sheet 3 of 4	ATTY. DOCKET NO. HAU234 CIP2 Client/Matter No. 81250.0091.003	APPLICATION NO. 10/764,231
	FIRST NAMED INVENTOR Gerald T. Gourdin	
	FILING DATE January 23, 2004	ART UNIT To Be Accorded

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No. No. - Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Doc	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Doc cntry code - No. - Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Doc	Pages, Columns. Lines Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
						YES	NO

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher, city and/or country where published
	28	L. YEAP FOO, YINRONG LU, AMY B. HOWELL and NICHOLI VORSA, "A-Type Proanthocyanindin Trimers from Cranberry that Inhibit Adherence of Uropathogenic P-Fimbriated Escherichia coli J. Nat. Prod., vol. 63 (9) (2000) pp. 1225-8
	29	R. UBILLAS, S.D. JOLAD, et al., "SP-303 an Antiviral Oligomeric Proanthocyanidin from the Latex of Croton lechleri (Sange de Drago)," Phytomedicine Vol. 1, pp.77-106 (1994).
	30	LAI YEP FOO, YINRONG LU, AMY B. HOWELL, NICHOLI VORSA, "The structure of cranberry proanthocyanidins which inhibit adherence of uropathogenic P-fimbriated Escherichia coli in vitro," Photochemistry, vol. 54, 173-181. (2000).
	31	RONALD L. PRIOR, SHERYL A. LAZARUS, et al., "Identification of Procyanidins and Anthocyanins in Blueberries and Cranberries (Vaccinium Spp.) Using High-Performance Liquid Chromatography/Mass Spectrometry."
	32	HOROTOSHI TAMURA and ATSUSHI YAMAGAMI, "Antioxidative Activity of Monoacylated Anthocyanins Isolated from Muscat Baily A Grape," J.Argic. FoodChem, 1994, 42, 1612-1615.
	33	RONALD L. PRIOR, GUOHUA CAO, ANTONIO MARTIN, EMIN SCOFIC, et al., "Antioxidant Capacity As Influenced by Total Phenolic and Anthocyanin Content, Maturity, and Variety of Vaccinium Species," J. Agric Food Chem, 1988, Vol 46 2686-2693.
	34	GEZA HRAZDIN, "Column Chromatographic Isolation of the Anthocyanidin-3, 5-Diglucosides from Grapes," J. Agr Food Chem., Vol. 18, No. 2, 1970 243-245
	35	International Search Report, PCT/US01/27107, February 1, 2002
	36	A.M. FINE. "Oligomeric Proanthocyanidin Complexes: History, Structure, and Phytopharmaceutical Applications", [online], [retrieved on 2002-02-28]. Retrieved from the Internet URL: http://www.thorne.com/almedrev/fulltext/oligo5-2.html
	37	"Oligomeric Proanthocyanidins (Pycnogenols)" [online]; [retrieved on 2002-05-01]. Retrieved from the Internet URL http://www.thorne.com/pycnogenols.html .

EXAMINER SIGNATURE	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

PTO/SB/08A (10/01) (Substitute for form 1449A/PTO) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) Sheet 4 of 4	ATTY. DOCKET NO. HAU234 CIP2 Client/Matter No. 81250.0091.003	APPLICATION NO. 10/764,231
	FIRST NAMED INVENTOR Gerald T. Gourdin	
	FILING DATE January 23, 2004	ART UNIT To be accorded

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No. No. – Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Doc	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Doc Cntry code – No. – Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Doc	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
						YES	NO

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher, city and/or country where published
	38	STERLING, "Proanthocyanidin Power" [online]; [retrieved on 2002-05-01]. Retrieved from the Inter URL: http://www.healthwellexchange.com/nutritionsciencenews/nsn_backs/Jun_00/proantho.cfm .
	39	M. STERLING, "Got Anthocyanins?" [online], [retrieved on 2002-02-28]. Retrieved from the Internet URL: http://www.healthwatchexchange.com/nutritionsciencenews/nsn_backs/Dec_01/antho.cfm .
	40	M. STERLING, "Proanthocyanidin Power [online], [retrieved on 2002-02-28]. Retrieved from the Internet URL: http://www.healthwellexchange.com/nutritionsciencenews/nsn_backs/Jun_00/proantho.cfm .

EXAMINER SIGNATURE	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	